



DEFENSE
HEALTH AGENCY

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
HEALTH AFFAIRS

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MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Alternative Dispute Resolution (ADR) Policy

The Defense Health Agency (DHA) is firmly committed to using alternative methods for resolving disputes in all of its operations, where appropriate and feasible. Used properly, Alternative Dispute Resolution can provide faster, less expensive and more productive results in eliminating workplace discrimination through the Equal Employment Opportunity (EEO) program for civilians, and Military Equal Opportunity (MEO) program for active duty service members. The ADR Program is applicable to all activities assigned to DHA.

Equal Employment Opportunity Commission (EEOC) revised regulation 29 CFR 1614.102 (b)(2) requires agencies to establish or make available an alternative dispute resolution program. The ADR program must be available during both pre-complaint process and the formal complaint process, and ensuring the participation of a management official with settlement authority. MEO is outlined in DoDD 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, with Commanders having the final authority. Types of ADR include:

1. **Mediation** – intervention in a dispute or negotiation of an impartial and neutral third party (mediator) who has no decision making authority.
2. **Early Neutral Evaluation** – impartial third party provides an objective evaluation of the strengths and weaknesses of the case.
3. **Peer Review** – problem solving process where an employee takes a dispute to a group or panel of fellow employees and managers for a decision.
4. **Fact Finding** – impartial expert with the authority to appoint a fact finder to determine what the facts are in a dispute.
5. **Settlement Conference** – meetings typically conducted by a settlement judge to assist the parties in reaching a mutually acceptable settlement of the disputed matter.
6. **Minitrial** – structured settlement process in which both parties present abbreviated summaries of their case before each other and their representatives who have authority to settle disputes.
7. **Ombuds** – Utilize many techniques to resolve disputes including counseling, conciliating, fact finding and mediating.
8. **Facilitation** – Involves the use of techniques to improve the flow of information in a meeting between parties in a dispute.

The preferred type of ADR within DHA is mediation, conducted by a qualified mediator or group of mediators. Mediation is a confidential process where a neutral third party (mediator) facilitates employees and managers to communicate and decide how to resolve the dispute.

Mediators are skilled in conflict resolution and have no official, financial, or personal interest in the issue(s) cited, or the outcome of the dispute.

Responsibility and authority for the DHA ADR Program rests with the EEO Division. To enhance the effectiveness of ADR in DHA, management officials will be required to take part, unless extenuating circumstances exist. Also, managers, supervisors, and employees have the responsibility under this policy, to resolve non-EEO/MEO disputes dealing with the general workplace, to enhance productivity and promote harmonious work relationships.

The POC for the ADR Program is Ms. Polly Saddler, EEO Manager. She may be reached at DSN 761- 5178, commercial (703) 681-5178, or via email at polly.saddler@dha.mil.



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